

Remarks

Drawings

- 5 Examiner's objected to the drawing, stating that they failed each and every feature of the invention specified in the claims. Firstly claims 3, 4, 5, 13, 14 and 15 are now cancelled.

The "complementary display units" defined in claim 11 are shown in proposed new
10 Fig. 4 and related description at page 7. No new matter is being entered since original claim 11 is simply defining provision of complementary display units at opposite ends or sides of the carry basket to provide a symmetrical arrangement, and this is what Fig. 4 now shows.

- 15 The "plural display panels" referred to in claim 12 is also shown in proposed new Fig. 4 and mentioned in the added description at page 7. Again no new matter is being entered since what original claim 12 was describing could be clearly envisaged even without a drawing specifically illustrating multiple display panels.

- 20 Regarding the "unit being integral with the carry basket" defined in claim 20, new Fig. 5 shows this feature, the same reference numerals as the other figures being used for corresponding parts. There is a brief description of this figure in amended page 7. Again no new matter is being entered as the feature was disclosed in the originally filed claims.

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Figs. 4 and 5 are informal drawings. Formal drawing will be provided once the Examiner approves of the changes.

Section 112

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Regarding the rejection of numerous claims as being directed toward "mere ideas" that are not properly described, claims 2-5, 15 are to be deleted.

However, regarding claims 20-22 the only subject matter in claim 20 that is not
5 specifically described is the integral construction of the display unit with the shopping carry basket. The proposed new Fig. 5 and related description now makes this feature more specifically described. However, we believe the description of this embodiment with the integral construction was contained in the written description to enable any person skilled in the art to readily make and use the same. In particular, any person
10 skilled in the art on seeing and reading the description of the "connectable" display unit of Figs. 1 to 3 would be able to make and use the embodiment in which the display unit is made integral with the carry basket. In conclusion, we believe that the proposed Fig. 5 and related new description does not add any new matter but clearly now makes the description and claims more than "mere ideas that are mentioned in
15 passing ... but are never fleshed-out or described in specific embodiments."

Regarding claims 21 and 22, the new Fig. 5 simply illustrates these two embodiments of the display unit being in the plane of the top of the carry basket (claim 21) or at an acute angle to the plane at the side (claim 22). Again no new matter is being entered
20 by the addition of Fig. 5 and related description but these added portions should help to make it clear that claims 21 and 22 are not directed toward "mere ideas".

Anticipation

Section 102 (e) provides:

25 A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
30 thereof by the applicant for patent....

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference. See: Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed Cir. 1987), Structural Rubber Prods. CO. v. Park Rubber Co., 749 F.2d 5 707, 715, 223 USPQ 1264, 1270, (Fed. Cir. 1984), Connell, 722 F.2d at 1548, 220 USPQ at 198; Kalman v. Kimerly-Clark Corp., 713 F2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026, 104 S. Ct. 1284, 79 L. Ed.2d 687 (1984).

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Regarding the rejection of numerous claims in view of the disclosures of Rand, firstly claims 2, 13 and 14 are now deleted.

Claim 1 has been rewritten to be directed to a combination of a display unit and 15 shopping carry basket. The Examiner's indication that the recitation that the display unit is "for use with a shopping carry basket" is a statement of intended use and as such cannot distinguish over Rand has been taken into consideration in rewriting claim 1 as a combination claim. Clearly, Rand does not teach the use of his information/advertising device on shopping carry baskets. Nor is there any suggestion 20 that his display device could be so used and in fact, we submit that the mounting arrangements for his display device, such as the clamps, would be very unsuitable because they would interfere with the stacking function of shopping carry baskets. The overall construction of the Rand device would make it cumbersome, unattractive, and would prevent, or at least greatly interfere with stacking. Therefore, there would 25 be no reasonable expectation of success in modifying Rand to the present invention, so that Rand does not teach or suggest the combination of revised claim 1.

Claim 6 is also rejected over the disclosures of Rand but amended claim 6 is now likewise directed to a combination and is appended to claim 1. Hence this amended 30 claim 6 we believe is allowable for the same reasons as claim 1.

Claim 12 was also rejected over the disclosures of Rand. This claim, like claim 1, is now rewritten as a claim directed to a combination of display unit and shopping carry basket. For the same reasons as claim 1, we believe Rand does not teach or suggest
5 this combination now claimed.

Allowable Subject Matter

Claims 7-11 are objected to as being dependent upon a rejected base claim but would
10 be allowable if rewritten in independent form. Accordingly, the new claims proposed include rewritten claims 7, 9 and 11 in which these claims are now independent and include all of the limitations of the base claim 1. Claims 8 and 10 remain as claims dependent on claims 7 and 9 respectively.

15 Claims 16 to 19 are allowed and are therefore not amended.

Claims 20-22 had faced objections under the headings of "drawings" and "claim rejections - Section 112". As discussed earlier, the proposed additions of drawings and description at page 7 should overcome these objections so that it appears the
20 Examiner should be prepared to allow claims 20-22. However, we have also proposed in the accompanying new claims to direct claims 20-22 to a combination of display unit and shopping carry basket. Claim 20 in fact is being rewritten as an independent claim since we believe that makes the claim clearer.

25 Finally, the added claims 23 and 24 both contain the subject matter of allowable claim 11, namely the complementary display units providing a symmetrical arrangement but in these claims 23 and 24 the subject matter is effectively the base claim 12 and base claim 20 plus this allowable claim 11.

Applicant respectfully requests the Examiner to pass this application to allowance.

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Respectfully submitted,



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